

CALIFORNIA STATE PERSONNEL BOARD MEETING\*  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

MID-MONTH BOARD MEETING MINUTES\*\*

MARCH 23, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL
2. REPORT OF THE EXECUTIVE OFFICER - Elise Rose  
For Laura Aguilera, Interim Executive Officer, State  
Personnel Board (COMBINED REPORT OF THE CHIEF COUNSEL)
  - A. Interim Executive Officer Laura Aguilera is  
attending the Cooperative Personnel Service Board  
meeting this week.
  - B. Laura Aguilera attended pre-hearing meetings with  
staff of the Senate and Assembly Budget Committees.  
State Personnel Board staff is preparing the  
additional information as to the State Personnel  
Board's constitutional functions that was requested  
at those meetings.
  - C. The Hearing and Government Oversight Committee of  
State Senate, Senator Jackie Speier presiding,  
concerning the State Personnel Board's (SPB) role in  
hearing disciplinary appeals took place as scheduled  
on March 22, 2004. Senator Speier concluded that

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\* The State Personnel Board Summary Minutes can be obtained  
at the following Internet address:  
**<http://www.spb.ca.gov/calendar.htm>**

any problems with the state's disciplinary system do not lie with the SPB, but with the state agencies bringing the disciplinary actions. Consensus was that the SPB's testimony/presentation was well received.

- D. Ms. Aguilera and Ms. Rose met with the new Chief Counsel of the Department of Corrections, as well as their Personnel Director, Administrative Director, Director of Legislation, and Prison Warden, Joe McGraff, to discuss issues of common concern and the upcoming hearing before the senate. Elise Rose also touched base with the Chief Counsel of the Department of Youth Authority.

Litigation:

- E. State Personnel Board v. Department of Personnel Administration; California State Employees Association (Post and Bid) - SPB to file opening brief in the Post and Bid lawsuit now pending before the California Supreme Court.

Other:

SPB's Council of Counsels met on March 17, 2004, to share information.

Elise Rose was invited to speak at the Public Law Section of the Sacramento County Bar at a future lunch meeting.

- 3. REPORT OF THE CHIEF COUNSEL - Elise Rose  
(Combined with item number 2 above, Report of Executive Officer)
- 4. REPORT ON LEGISLATION - Sherry Hicks
  - A. AB 2275 (Dymally), the Board's sponsored bill on Equal Employment Opportunity, has been scheduled for a hearing on April 21, 2004 in the Assembly Public Employees, Retirement and Social Security Committee.
  - B. The Legislative Director reported on the status of a number of other bills the Board is following, although no official position has been taken. The bills reported on are as follows: AB 2408 (Yee),

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AB 2662 (Jackson), AB 1825 (Reyes), AB 3007  
(Plescia) and SCA 15 (McClintock).

BOARD ACTIONS

5. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY  
MINUTES OF MARCH 9, 2004 - NO ACTION

6. ACTION ON SUBMITTED ITEMS  
(See Minutes Page 18)

7. EVIDENTIARY CASES  
On March 23, 2004, the Board adopted by vote as  
indicated below, the following decisions presented  
by Elise Rose, Chief Counsel, California State  
Personnel Board.  
VOTE: Elkins, Sheehan, Tom - Aye

A. BOARD CASES SUBMITTED

These cases have been taken under submission by  
the State Personnel Board at a prior meeting.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687A  
Appeal from denial of reasonable accommodation  
Correctional Lieutenant  
California Rehabilitation Center - Norco  
Department of Corrections  
NO ACTION

TIMOTHY BOBITT, CASE NO. 02-2856  
Appeal from suspension  
Senior Special Agent in Charge  
Department of Justice at Sacramento  
NO ACTION

RICHARD COELHO, CASE NO. 02-1796R  
Appeal from constructive medical termination  
Fish and Game Warden  
Department of Fish and Game  
NO ACTION

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RANDALL DODSON, Case No. 03-1587  
Appeal from non-punitive termination  
Caltrans Equipment Operator I  
Department of Transportation  
NO ACTION

FRANK GARCIA, CASE NO. 03-1906  
Appeal from Dismissal  
Caltrans Highway Maintenance Worker  
Department of Transportation  
NO ACTION

CYNTHIA GEORGE, CASE NO. 03-2494  
Appeal from suspension  
Administrative Law Judge I  
Unemployment Insurance Appeals Board  
NO ACTION

THEODORE HUGHING, CASE NO. 03-0354  
Appeal from Medical Termination  
Food Service Supervisor I  
Department of Developmental Services  
NO ACTION

MAMIE JONES, CASE NO. 02-4441  
Appeal from ten-percent reduction  
in salary for five months  
Dispatcher Clerk with the  
Department of Transportation  
NO ACTION

B. CASES PENDING

- Oral Arguments  
These cases are on calendar to be argued  
at this meeting or to be considered by the  
Board in closed session based on written  
arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

None

- Court Remands

This case has been remanded to the Board by the court for further Board action:

ROBERT HALL, CASE NO. 02-2027

Appeal from dismissal

Correctional Officer

California State Prison - Solano

Department of Corrections

ACTION: In accordance with the writ issued by the court, the Board adopted a resolution setting aside the Board's prior decision and requests that the parties submit written briefs by April 16, 2004 on the issues of willful disobedience and the appropriate penalty.

- Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

MAUREEN ALVAREZ, CASE NO. 02-3571

Appeal from dismissal

Drafting Services Aid

Department of Transportation

ACTION: Retracted from agenda by State Personnel Board staff, not for Board consideration.

ANDREA BLOUNT, CASE NO. 03-1980

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Appeal from dismissal  
Food Service Technician II  
Department of Mental Health  
ACTION: ACTION: Retracted from agenda  
by State Personnel Board staff, not for  
Board consideration.

HARMEET BRAR, CASE NO. 02-3640  
Appeal from dismissal  
Senior Psychiatric Technician (Safety)  
Department of Mental Health  
ACTION: Retracted from agenda by State  
Personnel Board staff, not for Board  
consideration.

JOHN CARTIER, CASE NO. 03-1588  
Appeal from dismissal  
Correctional Officer,  
High Desert State Prison, Susanville  
Department of Corrections  
ACTION: ACTION: Retracted from agenda  
by State Personnel Board staff, not for  
Board consideration.

RICHARD LEWIS COLLINS, CASE NO. 02-2306  
Appeal from dismissal  
Assistant Safety Engineer  
Department of Industrial Relations  
ACTION: Retracted from agenda by State  
Personnel Board staff, not for Board  
consideration.

KENNETH CROWLEY, CASE NO. 01-1264  
Appeal from dismissal  
Correctional Officer  
California State Prison - Solano  
Department of Corrections  
ACTION: Retracted from agenda by State  
Personnel Board staff, not for Board  
consideration.

RONALD GALI, CASE NO. 03-0462  
Appeal from dismissal  
Native American Spiritual Leader  
Folsom State Prison - Represa  
Department of Corrections

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ACTION: Administrative Law Judge's  
proposed decision rejected by Board.  
Board to decide case itself.

MARTINEZ GEIGER, CASE NO. 03-2949  
Appeal from five-percent reduction in  
salary for six-months  
Parole Agent I  
Department of Corrections  
ACTION: Five-percent reduction in  
salary revoked.

DARLENE HARRIS, CASE NO. 02-3763  
Appeal from discrimination/denial of  
reasonable accommodation  
Senior Laboratory Assistant  
Department of Health Services  
ACTION: ACTION: Retracted from agenda  
by State Personnel Board staff, not for  
Board consideration.

BEECHER LEVERSEE, CASE NO 03-1161E  
Appeal from discrimination complaint  
Disaster Assistance Program Specialist II  
Office of Emergency Services  
ACTION: Appeal denied.

ASTRID LOGAN, CASE NO. 03-2317  
Appeal from ten-working-days suspension  
Administrative Analyst Specialist  
California State University - Northridge  
ACTION: Ten-working-days suspension  
modified to three-working-days  
suspension.

MICHAEL LYMAN, CASE NO. 03-0559  
Appeal from rejection during  
probationary period  
Fish and Game Warden  
Department of Fish and Game  
ACTION: ACTION: Retracted from agenda  
by State Personnel Board staff, not for  
Board consideration.

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TIMOTHY MAPP, CASE NO. 02-2155  
Appeal from dismissal  
Correctional Officer  
Richard J. Donovan Correctional  
Facility - San Diego  
Department of Corrections  
ACTION: Dismissal sustained.

CARLOS A. MORALES, CASE NO. 03-3706  
Appeal from two-step reduction in salary  
for twelve-months  
Exhibit Designer-Installer  
California Science Center  
ACTION: Two-step reduction in salary  
for six-months modified to a one-step  
reduction in salary for six-months.

ESTEBAN MORALES, CASE NO. 03-2813  
Appeal from two-step reduction in salary  
for six-months and reassignment to  
another shift Psychiatric Technician  
Department of Developmental Services  
ACTION: Two-step reduction in salary  
for six-months sustained.

DENNIS O'BOSKEY, CASE NO. 03-3585  
Appeal from dismissal  
Psychiatric Technician  
Department of Developmental Services  
ACTION: Dismissal sustained.

MASOOD M. OMAR, CASE NO. 03-3577  
Appeal from five-percent reduction in  
salary for five-months  
Transportation Engineer (Civil)  
Department of Transportation  
ACTION: Five-percent reduction in  
salary for five months modified to a  
formal reprimand.

MARYLAND PAGE, CASE NO. 03-3703  
Appeal from five-percent reduction in  
salary for twelve-months  
Correctional Officer  
Ironwood State Prison - Blythe  
Department of Corrections  
ACTION: Administrative Law Judge's  
proposed decision rejected by Board.  
Board to decide case itself.



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TIMOTHY REMALEY, CASE NO. 03-1492  
Appeal from dismissal  
Correctional Officer  
Mule Creek State Prison - Ione  
Department of Corrections  
ACTION: Retracted from agenda by State  
Personnel Board staff, not for Board  
consideration.

MICHAEL ROPPOLO, CASE NO. 03-1642  
Appeal from ten-percent reduction in  
salary for twelve-months  
Correctional Officer  
Chuckawalla State Prison - Blythe  
Department of Corrections  
ACTION: Ten-percent reduction in salary  
for twelve months sustained.

HOWARD SANDERS, CASE NOS. 03-0691 & 03-  
02319  
Appeal from five-working-days suspension  
and thirty-working-days suspension  
respectively  
Operating systems analyst  
California State University-San Jose  
ACTION: Five-working-days and thirty-  
working-days suspensions sustained.

GABRIELLE VASQUEZ, CASE NO. 03-3587  
Appeal from two-step reduction in salary  
for twelve-months  
Food Services Technician I  
Department of Developmental Services  
ACTION: Two-step reduction in salary  
for twelve months sustained.

RICHARD WISLER, CASE NO. 03-2827  
Appeal from five-percent reduction in  
salary for ten-months  
Transportation Engineering Technician  
Department of Transportation  
ACTION: Five-percent reduction in  
salary for ten-months sustained.

- Proposed Decisions Taken Under Submission At Prior Meeting  
These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

NONE

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

EARL WALLAT CASE NO. 03-2733P

Appeal from rejection during probation  
Fire Fighter II (Paramedic)  
Department of Forestry and Fire  
Protection

ACTION: Petition for Rehearing filed by  
appellant denied.

- Whistleblower Notice of Findings

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANDREW CIRNER, CASE NO. 03-2241E  
Appeal from denial of request for  
reasonable accommodation  
Senior Psychiatric Technician  
Department of Mental Health  
NO ACTION

ROSIE L. DASHIELL, CASE NO. 03-2279  
Appeal from dismissal  
Public Safety Dispatcher I  
California Highway Patrol  
NO ACTION

RAYMOND ERNANDEZ, CASE NO. 01-4251  
Appeal from five-percent reduction in  
salary for six months  
Correctional Officer  
California Institution for Men - Chino  
Department of Corrections  
NO ACTION

KEVIN FRAZIER, CASE NO. 03-0736  
Appeal from a one-step reduction in  
salary for six months  
Correctional Officer  
California State Prison, San Quentin  
Department of Corrections  
NO ACTION

SHANNON FROEMING, CASE NO. 03-2871E  
Appeal from denial of request for  
reasonable accommodation  
Employment Program Representative  
Employment Development Department  
NO ACTION

MARY HUTTNER, CASE NO. 02-1690  
Appeal from demotion Staff Services  
Manager I to the position of Associate  
Health Program Advisor (top step)  
Department of Health Services  
NO ACTION

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CONNIE JOHNSON, CASE NO. 03-2620  
Appeal from 30 calendar days suspension  
Employment Program Representative  
Employment Development Department  
NO ACTION

PAUL H. KEMP, Case No. 01-2841  
Appeal from dismissal  
Teacher Assistant - Youth Correctional  
Reception Center and Clinic - Sacramento  
Department of the Youth Authority  
NO ACTION

JENNIFER KILL, CASE NO. 02-2164B  
Appeal for determination of back salary,  
benefits and interest  
Supervising Cook  
California Correctional Institution -  
Tehachapi  
Department of Corrections  
NO ACTION

NEIL MADDEN, CASE NO. 03- 1682  
Appeal from five-percent-reduction  
in salary for three months  
Correctional Officer  
Centinela State Prison - Imperial  
Department of Corrections at Imperial  
NO ACTION

DONNA MARTINEZ, CASE NO. 03-2232  
Appeal from dismissal  
Material & Stores Supervisor I  
Central California Women's Facility,  
Department of Corrections  
NO ACTION

RAY MARTINEZ, CASE NO. 03-3344  
Appeal from dismissal  
Correctional Officer  
Substance Abuse Treatment Facility -  
Corcoran  
Department of Corrections  
NO ACTION

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MARGARET A. MEJIA, CASE NO. 03-1848  
Appeal from dismissal  
Psychiatric Technician (Safety)  
Department of Mental Health  
NO ACTION

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299  
Appeal from five-percent reduction in  
salary for six months  
Special Agent  
Department of Corrections  
NO ACTION

VIRGINIA PARKER, CASE NO. 03-0325  
Appeal from demotion  
Correctional Lieutenant  
Ironwood State Prison - Blythe  
Department of Corrections  
NO ACTION

NANCY SEARS, CASE NO. 02-2444  
Appeal from two-step reduction in  
salary for 12 months and transfer/  
reassignment  
Parole Agent I (Adult Parole)  
Department of Corrections - Sacramento  
NO ACTION

ELANGO VAN SITTRAMBARAM, CASE NO. 03-2401  
Appeal from suspension for six-months  
Student Administration Technical  
Programmer/Analyst  
California State University - Long Beach  
NO ACTION

NANCY VALENTINO, Case No. 03-0699  
Appeal from dismissal  
Psychiatric Technician  
Department of Developmental Services  
NO ACTION

8. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION  
(See Minutes pages 21-22)

9. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

On March 23, 2004, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Sheehan, Tom - Aye

DANIEL ACUNA, CASE NO. 03-0595

Youth Correctional Counselor  
California Youth Authority

ACTION: GRANTED

JERRY GRONDZIAK, CASE NO. 02-4367

Correctional Officer  
Department of Corrections

ACTION: GRANTED

MICHAEL MCGRAIL, CASE NO. 03-1743

Correctional Officer  
Department of Corrections

ACTION: DENIED

KYLE NEWSOME, CASE NO. 03-1600

Cadet, CHP  
California Highway Patrol

ACTION: DENIED

KENNETH ROWAN, CASE NO. 03-1961

Correctional Officer  
Department of Corrections

ACTION: DENIED

JEFFREY SAECHAO, CASE NO. 03-1208

Correctional Officer  
Department of Corrections

ACTION: DENIED

NICOLA SARGENTI, CASE NO. 03-1220

Correctional Officer  
Department of Corrections

ACTION: DENIED

CHRISTOPHER SWANBERG, CASE NO. 03-1221

Correctional Officer  
Department of Corrections

ACTION: DENIED

DAVID THOROLD, CASE NO. 03-1214  
Correctional Officer  
Department of Corrections  
ACTION: DENIED

EUGENE WARFIELD, CASE NO. 03-1896  
Correctional Officer  
Department of Corrections  
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING  
APPEALS - NONE

C. EXAMINATION APPEALS - NONE  
MINIMUM QUALIFICATIONS - NONE  
MERIT ISSUE COMPLAINTS - NONE

D. RULE 212 OUT-OF-CLASS APPEALS - NONE  
VOIDED APPOINTMENT APPEALS - NONE  
RULE 211 APPEALS - NONE

E. REQUEST TO FILE CHARGES CASES - NONE  
PETITIONS FOR REHEARING CASES  
On March 23, 2004, the Board adopted the following decision presented by Elise Rose, Chief Counsel, California State Personnel Board.  
VOTE: Elkins, Sheehan, Tom - Aye

(PFR Case)  
TERRILL GRANT, CASE NO. 02-3809P  
Correctional Officer  
Department of Corrections  
ACTION: DENIED

F. PSYCHOLOGICAL SCREENING CASES

On March 23, 2004, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Sheehan, Tom - Aye

IRENE ALMENDAREZ, CASE NO. 04-0227  
Medical Technical Assistant - CF  
Department of Corrections  
ACTION: GRANTED

SEAN CASTRO, CASE NO. 04-0226  
Correctional Officer  
Department of Corrections  
ACTION: GRANTED

DAVID NELSON, CASE NO. 03-3820  
Correctional Officer  
Department of Corrections  
ACTION: GRANTED

RYAN STOVER, CASE NO. 04-0225  
Cadet, CHP  
California Highway Patrol  
ACTION: GRANTED

10. NON-HEARING CALENDAR

NONE

11. STAFF CALENDAR ITEMS FOR BOARD  
INFORMATION

Staff has approved the following:

- A. The Department of Personnel Administration on behalf of the Department of Forestry and Fire Protection proposes to revise the Minimum Qualifications for the class specification Division Chief, California State Fire Marshal's Office, by deleting the experience requirement of



supervisory or lead duties from the  
MQs to enhance and widen the  
recruitment.

12. CAREER EXECUTIVE ASSIGNMENT (CEA)  
CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA  
POSITIONS CURRENTLY UNDER  
CONSIDERATION

- (1) DEPUTY DIRECTOR, ADMINISTRATION  
The California Science Center  
proposes to allocate the above  
position to the CEA category.  
The Deputy Director,  
Administration's responsibilities  
include formulating and  
implementing the Science Center's  
administrative services,  
programs, policies and  
procedures.

B. EXECUTIVE OFFICER DECISIONS  
REGARDING REQUESTS TO ESTABLISH NEW  
CEA POSITIONS

- (1) PROJECT DIRECTOR, SYSTEMS  
INTEGRATION DIVISION  
The California Health and Human  
Services Data Center's request  
to establish the above to the  
CEA category has been approved  
for a period of two years,  
effective February 27, 2004.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on March 23, 2004.

VOTE: Elkins, Sheehan, Tom - Aye.

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LAURA AGUILERA  
Interim Executive Officer  
California State Personnel Board